IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 836 OF 2003

Shrenikkumar Himmatlal Shah & Anr. ...Petitioners
V/s.
The State of Maharashtra & Ors. ...Respondents

Shri P.B. Shah for Petitioners.
Shri P.S. Hingorani, APP for State.

CORAM : V.M. KANADE, J.

DATED : AUGUST 2, 2006

P.C. :-

. Heard learned Counsel for the petitioners.

2. The petitioners are challenging the order of issuance of process passed by the J.M.F.C., Pune, on the complaint filed by the respondent under Section 138 of the Negotiable Instruments Act.

3. It is alleged by the learned Counsel appearing on behalf of the petitioners that petitioners no.3 and 4 were sleeping partners and they were not responsible for conducting the business and were not aware about the day to day work of the company. It is submitted that the complainant has also filed civil suit for recovery of

amount of Rs.30,95,920/- with interest.

4. It is not possible to accept the submission made by the petitioners. I have perused the complaint. There are sufficient averments in the complaint and the details of the transaction and the dishonour of the cheques have been mentioned in the complaint.

5. The petition, therefore, is dismissed.

6. All questions are kept open. However, the petitioner nos.3 and 4 are exempted from appearing in the trial Court. Their plea may also be recorded through their Advocate.

7. The trial Court is directed to decide the criminal case, as expeditiously as possible.

(V.M. Kanade, J.)